

### **REMARKS**

This is in response to the Office Action dated June 18, 2004, and the references cited therewith.

Claims 1 and 11 are amended, and claim 22 is cancelled; as a result, claims 1-21 and 23-31 are now pending in this application.

#### **Amendment to the Specification**

Applicant has amended the specification herein to describe the limitation recited by claim 22 as originally filed. No new matter has been introduced.

#### **§102 and §103 Rejections of the Claims**

Claims 1-2, 5, 7-11, 13, 16 and 29-30 were rejected under 35 USC § 102(b) as being anticipated by Boute (U.S. Patent No. 6,129,744). Claims 1, 7-8, 11-13, 20 and 31 were rejected under 35 USC § 102(e) as being anticipated by Turcott (U.S. Patent No. 6,480,733). Claims 1, 11-14 and 18 were rejected under 35 USC § 102(e) as being anticipated by Kieval et al. (U.S. Patent No. 6,190,324). Claims 1, 3-4, 8, 11, 15, 23 and 31 were rejected under 35 USC § 102(e) as being anticipated by Bardy (U.S. Patent No. 6,366,903). Claims 1, 11, 13, 23-24 and 28 were rejected under 35 USC § 102(e) as being anticipated by Tchou et al. (U.S. Published App. 2001/0037067). Claims 6 and 17 were rejected under 35 USC § 103(a) as being unpatentable over Turcott (U.S. Patent No. 6,480,733), or Kieval et al. (U.S. Patent No. 6,190,324) or Bardy (U.S. Patent No. 6,366,903) or Tchou et al. (U.S. Published App. 2001/0037067) in view of VanHout (U.S. Patent No. 6,668,194). Claims 19 and 27 were rejected under 35 USC § 103(a) as being unpatentable over Turcott (U.S. Patent No. 6,480,733), or Kieval et al. (U.S. Patent No. 6,190,324) or Bardy (U.S. Patent No. 6,366,903) or Tchou et al. (U.S. Published App. 2001/0037067). Claim 21 was rejected under 35 USC § 103(a) as being unpatentable over Bardy (U.S. Patent No. 6,366,903). Claim 22 was rejected under 35 USC § 103(a) as being unpatentable over Turcott (U.S. Patent No. 6,480,733), or Kieval et al. (U.S. Patent No. 6,190,324) or Bardy (U.S. Patent No. 6,366,903) or Tchou et al. (U.S. Published App. 2001/0037067) in view of Sun et al. (U.S. Patent No. 6,668,188). Claim 25 was rejected under 35 USC § 103(a) as being unpatentable over Boute (U.S. Patent No. 6,129,744), or Turcott (U.S.

Patent No. 6,480,733), or Kieval et al. (U.S. Patent No. 6,190,324) or Bardy (U.S. Patent No. 6,366,903) or Tchou et al. (U.S. Published App. 2001/0037067) in view of Turcott (U.S. Patent No. 6,575,912). Claim 28 was rejected under 35 USC § 103(a) as being unpatentable over Boute (U.S. Patent No. 6,129,744), or Turcott (U.S. Patent No. 6,480,733), or Kieval et al. (U.S. Patent No. 6,190,324) or Bardy (U.S. Patent No. 6,366,903) or Tchou et al. (U.S. Published App. 2001/0037067) in view of Brockway et al. (U.S. Patent No. 6,575,912).

With respect to the rejection of claim 22, the Sun et al. patent (U.S. Patent No. 6,668,188) issued after the filing date of present application and is therefore prior art to the present application, if at all, only under 35 U.S.C. 102(e). In view of the common ownership of the present application and the Sun et. Al patent as set forth below, applicant asserts that the latter is not prior art to the present application for purposes of 35 U.S.C. 103 and that the rejection of claim 22 has been overcome. Applicant has cancelled claim 22 herein and amended independent claims 1 and 11 to recite the limitations formerly recited by claim 22. Applicant therefore believes that claims 1 and 11, and the claims depending therefrom, are allowable over the prior art of record. The other section 102 and 103 rejections contained in the Office Action are therefore rendered moot for purposes of the present application. Those rejections, however, are traversed for the record, and applicant reserves the right to file one or more continuation applications containing those claims.

*Statement of Common Ownership*

Applicant declares that, at the time the present invention was made, the present application and U.S. Patent No. 6,668,188 were owned by the same entity. Since that patent could only otherwise qualify as prior art to the present application under 35 U.S.C. 102(e), it is disqualified as prior art for purposes of section 103(a) under 35 U.S.C. 103(c).

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

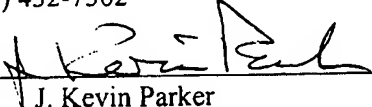
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Date 11-18-04


By

  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18 day of November, 2004.

  
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